

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

In Re:	*	Case No.	15-30551
Birdstone, Inc.	*	Judge John P. Gustafson	
		Chapter 11 Proceeding	
Debtor	*		
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	*		
Dovetail, Ltd.		Case No.	15-30553
	*	Chapter 11	
Debtor			
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Alan W. Griffiths and Cheri	*	Case No.	15-30552
L. Griffiths		Chapter 11	
	*		
Debtors			
*	*		*

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**MOTION OF DEBTORS SEEKING JOINT ADMINISTRATION  
OF CHAPTER 11 CASES PURSUANT TO BANKRUPTCY RULE 1015(b)**

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Now comes the Debtor, Birdstone, Inc., Dovetail, Ltd, and Alan W. Griffiths and Cheri L. Griffiths pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and respectfully requests this Court for an order administratively consolidating the proceeding, Birdstone, Inc. with that Dovetail, LLC. Case No. 15-30553 and that of Alan W. Griffiths and Cheri L. Griffiths, Case No. 15-30552, solely for procedural purposes (the "Application"); and in support thereof, respectfully represent as follows:

**Introduction**

1. On March 1, 2015 (the "Petition Date"), each of the Debtors has filed with the Clerk of this Court a voluntary petition for relief under chapter 11 of title 11, the United States Code (the "Bankruptcy Code").

## **Jurisdiction**

2. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § § 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue of the Debtors' chapter 11 cases and this Motion is proper in this district pursuant to 28 U.S.C. § § 1408 and 1409.

## **Relief Requested**

3. By the Motion, the Debtors seek entry of an order directing the joint administration of their chapter 11 cases. The Debtors believe that, in light of the interrelated businesses and affiliated status of the Debtors, the joint handling of the administrative matters respecting these cases -- including, without limitation, the use of a single docket for matters occurring in the administration of the estates, the joint listing of filed claims and the combining of notices to creditors -- will aid in expediting these chapter 11 cases and rendering their administration more efficient and economic.

## **Relevant Authority**

6. Bankruptcy Rule 1015 provides, in relevant part, as follows:

If a joint petition or two or more petitions are pending in the same court by or against a debtor and an affiliate, the court may order a joint administration of the estates.

7. Local Rule 1015-2 provides that related cases include cases in which the debtors are: identical individuals or entities, an individual and his spouse, a corporation and any major shareholder thereof and entities having substantial identity of financial interest or assets.

## **Basis For Relief Interrelationship of Debtors**

8. Birdstone, Inc., is an Ohio Corporation with its principal office located at 602 E. Perry St., Paulding, OH 45879. Dovetail, LLC, is an Ohio Limited Liability Company with its principal office located at 602 E. Perry St., Paulding, OH 45879. Both entities are solely owned by Alan W. Griffiths. Alan W. Griffiths and Cheri L. Griffiths, are individuals and husband and wife who reside at 755 Tom Tim Drive, Paulding, OH 45879.

9. When combined, the assets of Birdstone, Inc., Dovetail, LLC and the individually owned assets are utilized in the operation of numerous Residential and Commercial Rental Properties, a Storage Facility, Three (3) Convenience Stores, and a Restaurant (the "Businesses") located in Paulding, Van Wert and Defiance Counties.

Dovestone is the titled owner of 8 parcels in Paulding County, Alan W. Griffiths and Cheri L. Griffiths own 81 parcels, with 67 in Paulding County, 7 parcels in Defiance County and 7 parcels in Van Wert County and Birdstone owns 42 parcels in Paulding County and 1 Parcel in Putnam County, a total of 118 Parcels.

10. The largest institutional lender and secured lender of the Debtors is First Federal Bank of the Midwest which has claims against all the Debtors, Birdstone, Dovetail and Alan and Cheri Griffiths as well as real property owned by each. The other secured lenders are Citizens National Bank, Sherwood Bank, Antwerp Exchange Bank, Farmers and Merchants State Bank, and The Henry County Bank with each having some mixed claims against the respective Debtors as well as property of the Debtors. All such lender is asset based solely on the real estate, but in many cases secured also by assignment of rents as to such real estate. However, no financing statements are of record as to any Debtor with exception of an equipment lease with Birdstone, Inc. in favor of TDK Refrigeration Leasing Co.

### **Best Interest of Estates**

11. In light of the interrelationship among the Debtors, it is respectfully submitted that the joint administration of these cases, pursuant to Bankruptcy Rule 1015, will serve the best interests of the Debtors' estates and creditors generally. Specifically, the joint administration of these cases will avoid unnecessary costs and delay by eliminating duplicate filings with this Court, thereby facilitating the efficient and economic administration of the Debtors' cases. The joint handling will also make the reorganization process less costly and onerous for the Debtors and their Creditors. At the same time, the Debtors' respective creditors will not be adversely affected by the joint administration of these cases since joint administration is for procedural purposes only and will not affect a substantive consolidation of the Debtors' estates. This is particularly true as once the analysis of values as to real estate versus debt is completed, those relationship will be defined as to each Debtor. In fact, the reduced costs that will result from the joint administration of these cases will inure to the benefit of all creditors. The relief requested also will relieve the Court of the burden of entering duplicative orders and maintaining duplicative files, as well as simplify supervision of the administrative aspects of these chapter 11 cases by the Office of the United States Trustee. Moreover, each creditor may still file its claim against a particular estate.

12. Accordingly, the Debtors respectfully request that the Court modify the captions of their cases to reflect their joint administration, as follows:

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

<b>In re :</b>	*	<b>Chapter 11 Case No.</b>
<b>BIRDSTONE, INC., et al.,</b>	*	
<b>Debtors.</b>	*	<b>: (Jointly Administered)</b>

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13. The Debtors seek the Court's direction that in each of the Debtors' cases, a notation substantially similar to the following notation be entered on the docket maintained by the Clerk of the Court to reflect the joint administration of these cases:

An Order has been entered in this case directing the procedural consolidation and joint administration of the chapter 11 cases of Birdstone, Inc., Dovetail, Ltd. and Alan W. Griffiths and Cheri L. Griffiths. The docket in Case No. 15-30551 should be consulted for all matters affecting this case.

**Notice and Prior Application**

13. Notice of this Motion has been served on the United States Trustee and on all creditors of all Debtors in these proceedings.

14. Given the nature of the relief requested herein, the Debtors submit that no other or further notice need be given and would ask that the Court waive and dispense with the requirement set forth in local Bankruptcy Rule 9013-1(b) that a motion be accompanied by a memorandum of law.

14. No prior application for the relief requested herein has been made to this or any other Court.

**WHEREFORE**, the Debtors respectfully request that this Court enter an order in the form annexed hereto as Exhibit "A" (i) directing the joint administration of their respective chapter 11 cases; and (ii) granting such other and further relief as is just and proper.

Respectfully submitted,

DILLER & RICE, LLC.

/s/Steven L. Diller  
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### NOTICE PURSUANT TO LOCAL RULE

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this case. If you do not have an attorney, you may wish to consult one.** Under Local Bankruptcy Rule 9013-1, unless a written response to the Motion are filed with the Clerk of the Court and served on the moving party and the Office of the U.S. Trustee, objecting to the relief requested immediately, the Court may deem the opposition waived, treat the motions as conceded, and issue an order granting the requested relief without further notice of hearing.

/s/Steven L. Diller  
Steven L. Diller

### CERTIFICATION

I, Steven L. Diller, do hereby certify that the Motion To Consolidate was mailed this 1st day of March, 2015, to the following by ordinary US mail or electronically.

/s/Steven L. Diller  
Steven L. Diller

#### Service List:

Antwerp Exchange Bank  
305 South Main Street  
PO Box 727  
Antwerp, OH 45813

Bank of America  
PO Box 15019  
Paulding, OH 45879

Capital One Bank  
PO Box 6492  
Carol Stream, IL 60197

Capital One Bank, USA N.A.  
PO Box 6492  
Carol Stream, IL 60197

Cardmember Service  
PO Box 15153  
Wilmington, DE 19886

Comenity - Peebles  
PO Box 659465  
San Antonio, TX 78265

Dorothy Kibble  
755 Tom Tim Dr.  
Paulding, OH 45879

Farmers & Merchants State  
Bank  
PO Box 216  
Archbold, OH 43502

Farmers and Merchants State Bank  
307-11 North Defiance Street  
Archbold, OH 43502

First Federal Bank  
601 South Clinton St.  
PO Box 248  
Defiance, OH 43512

First Federal Bank  
601 Clinton St.  
PO Box 248  
Defiance, OH 43512

Gary Foley  
3416 Musser Drive  
Lima, OH 45807

Gary Selhorst  
350 Thomas Ave.  
Ottawa, OH 45875

Kohl's Payment Center  
PO Box 2983  
Milwaukee, WI 53201

Macy's  
PO Box 183084  
Columbus, OH 43218

Menards  
Capital One Commercial  
PO Box 5219  
Carol Stream, IL 60197

Midwest Federal Credit  
Union  
8770 Ohio 66  
Defiance, OH 43512

Paulding Auto Group  
119 Williams St.  
Paulding, OH 45879

Paulding County Auto Group  
119 S. Williams St.  
Paulding, OH 45879

Paulding County  
Commissioners  
115 North Williams St. B-1  
Paulding, OH 45879

Paulding County Economic Develop.  
101 E. Perry St.  
Paulding, OH 45879

Paulding Investments, LLC  
634 E. Perry St.  
Paulding, OH 45879

Sanholtz-McKarns, Inc.  
416 West Main Street  
Montpelier, OH 43543

Sherwood State Bank  
105 N. Harrison Street  
PO Box 4546  
Sherwood, OH 43556

State Bank and Trust  
401 Clinton  
PO Box 467  
Defiance, OH 43512

Stephen Hubbard  
110 Clinton St.  
Defiance, OH 43512

The Henry County Bank  
122 East Washington Street  
Napoleon, OH 43545

The State Bank and Trust Co.  
401 Clinton Street  
Defiance, OH 43512

Tony and Kay Lanham  
105 W. Perry St.  
Paulding, OH 45879

Valero  
7201 Canyon Dr.  
Amarillo, TX 79110

VISA  
PO Box 30131  
Tampa, FL 33630